IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 28TH SEPTEMBER 2007 / 6TH ASWINA 1929

WP(C).No. 28513 of 2007(T)

PETITIONERS:
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1. **STEPHEN JOHN,**
   PANICKER HOUSE, RAMANCHIRA,
   THIRUVALLA, KERALA.
   NOW RESIDING AT RENCON GARDENS,
   PALACHUVADU P.O., PADAMUGAL, KAKKANAD.

2. **MARY STEPHEN JOHN, W/O STEPHEN JOHN,**
   RESIDING AT DO. DO.

BY ADV. SRI.M.V.S.NAMBOOTHIRY
SRI.VINOD.R.

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY**
   THE SECRETARY TO GOVERNMENT,
   DEPARTMENT OF HOME, SECRETARIAT,
   THIRUVANANTHAPURAM.

2. **THE DIRECTOR GENERAL OF POLICE,**
   POLICE HEADQUARTERS, THIRUVANANTHAPURAM.

3. **THE CITY COMMISSIONER OF POLICE,**
   ERNAKULAM.

4. **THE CIRCLE INSPECTOR OF POLICE,**
   ERNAKULAM NORTH.

5. **SRI. T.P.GOPALAKRISHNAN,**
   MANAGING DIRECTOR, HOMTOK BUILDERS(PVT)LTD,
   40/394 & 395 AMMANKOIL ROAD, (WEST END)
   ERNAKULAM-628035.

BY ADV. SRI. ELVIN PETER for R5
BY GOVERNMENT PLEADER SRI. SALIM.P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.28513/2007 T

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE BROCHURE PUBLISHED BYTHE 5TH RESPONDENT.**

EXT.P2: **COPY OF THE SALE DEED.**

EXT.P3: **COPY OF THE AGREEMENT.**

EXT.P4: **COPY OF THE STATEMENT ISSUED BY THE 5TH RESPONDENT.**

EXT.P5: **COPY OF THE STATEMENT.**

EXT.P6: **COPY OF THE STATEMENT.**

EXT.P7: **COPY OF THE STATEMENT.**

EXT.P8: **COPY OF THE LIST OF ARTICLES IMPORTED FROM USA.**

EXT.P9: **COPY OF THE BILL.**

EXT.P10: **COPY OF THE BILL.**

EXT.P11: **COPY OF THE BILL.**

EXT.P12: **COPY OF THE BILL.**

EXT.P13: **COPY OF THE BILL**

/TRUE COPY/

P.S.TO JUDGE

KSS

K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) NO. 28513 OF 2007-T

Dated 28th September, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioners are husband and wife. The 5th respondent is a builder. The petitioners have purchased one villa constructed by the said respondent. The construction of it is not yet over. While so, certain disputes arose between them and the 5th respondent regarding the amount paid as also regarding the alleged delay in completing the work. The petitioners submit, they have brought some goods for furnishing the building. They are kept in the building. They allege that the 5th respondent and his men manhandled them on 19.09.2007. They also apprehend that the goods stored by them in the building may be taken away by the 5th respondent and his men. In that process they may be manhandled also, it is submitted. Though the petitioners moved the police, they did not extend any help. Hence this writ petition, seeking appropriate reliefs.

2. The learned Government Pleader, upon instructions, submitted that

a complaint was received by the C.I of Police from the first petitioner. The parties were called and since it was a civil dispute, they were asked to settle the same. Thereafter, a second petition was received through post. But, no action was taken on it, it is submitted. The learned counsel for the 5th respondent denies all the allegations made in the writ petition against the said respondent. According to the 5th respondent, at present the work in the building is done by the workmen engaged by the petitioners. The petitioners can come there at any time and supervise the work. No one will obstruct them and the 5th respondent has no intention whatsoever to threaten or manhandle them. The allegation that the 5th respondent may remove the goods stored by the petitioners is vehemently denied by the said respondent. Unfounded allegations are made against him, it is submitted.

3. In view of the submissions made by the learned counsel on behalf of the 5th respondent, we feel that grievance of the petitioners stand redressed. If there is any threat to their person or to their property, the petitioners may inform the 4th respondent about the same. In that event, the said respondent will look into the said complaint and if the allegations are found correct, take remedial action. It is made clear that we have not expressed anything on the merits of the civil dispute between the petitioners and the 5th respondent. The contentions of both sides on the same are kept

open.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/